

July 24, 2008

VIA ELECTRONIC FILING

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: Permitted Oral *Ex Parte* Presentation
IB Docket Nos. 07-101, 05-20 and RM-11429

Dear Ms. Dortch:

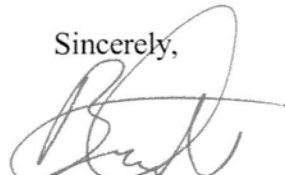
On July 23, 2008, representatives of The Boeing Company met with representatives of the Federal Communications Commission to discuss developments in the above captioned proceedings. Participating for the Office of Engineering and Technology were Julius Knapp, Ira Keltz, Geraldine Matise, and Jamison Prime. Participating for the International Bureau were Howard Griboff, Kathleen Collins, and Paul Locke. Participating for Boeing were Audrey Allison, Alan Rinker, and the undersigned.

During the meeting, Boeing indicated that increased interest within the satellite industry in providing fixed-satellite services ("FSS") to airborne and terrestrial mobile platforms, particularly on behalf of federal government customers, has heightened the need to adopt rules that help facilitate and protect VMES and AMSS services in the Ku-band. In addition, the rule making proposal of UTC-Winchester to add a secondary fixed service allocation in the Ku-band further justifies designating both VMES and AMSS as primary applications of the existing FSS spectrum allocation. In order to ensure that existing and future VMES and AMSS services are protected adequately, both services should be designated as primary applications of the FSS in the Ku-band before any consideration is given to whether a rule making proceeding should be initiated to consider the UTC-Winchester proposal.

Boeing also raised additional technical arguments that are outlined in the attached talking points, which were distributed during the meeting. Boeing further addressed procedural issues involved in concurrently resolving outstanding issues that exist in IB Docket Numbers 07-101 and 05-20.

Please contact the undersigned if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce A. Olcott", with a large, sweeping flourish extending from the end of the signature.

Bruce A. Olcott

Vehicle Mounted Earth Stations NPRM

IB Dockets 07-101 & 05-20

The Boeing Company

July 23, 2008

- Recent developments have made it increasingly important for the Commission to adopt rules that facilitate and protect aeronautical and terrestrial mobile FSS applications in the Ku-band.
 - A growing number of companies are offering airborne and terrestrial mobile Ku-band FSS services for federal government and non-government customers.
 - The UTC-Winchester petition seeks to add a secondary fixed service allocation in the Ku-band, which would be incompatible with mobile FSS applications.
- The Commission should adopt VMES rules that are technologically and application neutral.
 - *Application neutrality* should be achieved by including all motorized vehicles in the definition of VMES, revising the definition as follows:

Vehicle-Mounted Earth Station. A VMES is an earth station, operating from a motorized vehicle ~~that travels primarily on land~~, that receives from and transmits to fixed-satellite space stations and operates pursuant to the requirements set out in § 25.XXX of this part.

- *Technology neutrality* should be achieved by authorizing VMES systems to operate on a primary basis in the Ku-band using any technology, including spread spectrum based technologies, if they either:
 - Meet the off-axis e.i.r.p. density mask and pointing accuracy requirements included in Section 25.222 of the Commission's rules, or
 - Demonstrate equivalent protection to adjacent satellites through various combinations of pointing accuracy and power levels (but not on a non-conforming basis pursuant to Section 25.220 of the rules), or
 - Coordinate with adjacent satellite operators to operate at more relaxed limits.
- Any additional VMES rules should also be technologically and application neutral.
 - Implement an aggregate e.i.r.p. density envelop rather than the $10 \cdot \log(N)$ rule.
 - Provide blanket licensing and ALSAT authority to VMES licensees.
 - Do not restrict VMES to government customers, or other limited user groups.
 - Do not require control by an earth station hub in the United States (an unnecessary requirement if 24/7 U.S. point of contact is required).
 - Require VMES terminals to protect other Ku-band systems only to the extent that they meet the requirements of Sections 25.209, regardless of antenna size.